

CCRB INVESTIGATIVE RECOMMENDATION

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|---|---|-------------------------------------|--|---|---------------------------------|
| Investigator: John Hanley | Team: Squad #10 | CCRB Case #: 201606271 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 07/19/2016 4:15 PM | Location of Incident: § 87(2)(b) and § 87(2)(b) and the 110th Precinct Stationhouse. | Precinct: 115 | 18 Mo. SOL 1/19/2018 | EO SOL 1/19/2018 | |
| Date/Time CV Reported Tue, 07/19/2016 10:10 PM | CV Reported At: Other | How CV Reported: On-line website | Date/Time Received at CCRB Tue, 07/19/2016 10:10 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POM Michael Carrieri | 31971 | 930412 | 110 PCT |
| 2. SGT Minh Tran | 00750 | 929274 | 110 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Anthony Jones | 17923 | 944684 | 110 PCT |
| 2. SGT Francis Margraf | 03006 | 900472 | 110 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.POM Michael Carrieri | Abuse: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant. | |
| B.POM Michael Carrieri | Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri spoke discourteously to § 87(2)(b) § 87(2)(b). | |
| C.POM Michael Carrieri | Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri acted discourteously toward § 87(2)(b) § 87(2)(b). | |
| D.SGT Minh Tran | Abuse: At the 110th Precinct Stationhouse, Sergeant Minh Tran did not process § 87(2)(b) § 87(2)(b)'s complaint regarding an officer. | |

Case Summary

On July 19, 2016, § 87(2)(b), § 87(2)(b) filed this complaint online via 311, on behalf of her husband, § 87(2)(b), § 87(2)(b) and herself. The complaint was referred to the CCRB on the same date.

On July 19, 2016, at around 4:15 PM, § 87(2)(b) was pulled over at § 87(2)(b) and § 87(2)(b) in Queens by an unmarked sedan which contained PO Michael Carrieri and PO Anthony Jones of the 110th Precinct for allegedly failing to signal a left turn (**Allegation A**). § 87(2)(b) provided his identification to PO Carrieri who returned to the unmarked vehicle while § 87(2)(b) spoke to PO Jones, and argued that he had not failed to signal. PO Carrieri returned to the vehicle a few moments later stating that § 87(2)(b) liked to § 87(2)(b) and called him disgusting (**Allegation B**). PO Carrieri then allegedly tossed § 87(2)(b)'s identification at him through the driver's side window (**Allegation C**), while continuing to berate him regarding his § 87(2)(b) (within **Allegation B**). No arrest or summonses were issued as a result of this stop.

A few hours after the stop, § 87(2)(b) and his wife, § 87(2)(b) § 87(2)(b) went to the 110th Precinct stationhouse in order to complain about the incident. They spoke to Sergeant Minh Tran, Anti-Crime supervisor, and presented him with a video recording of the incident. Sgt. Tran allegedly refused to take the complaint, arguing that § 87(2)(b) and § 87(2)(b) were not providing sufficient details regarding officer descriptions (**Allegation D**). § 87(2)(b) and § 87(2)(b) left the stationhouse without filing a complaint. This case was submitted for closing after the 90 day benchmark as it was sent to mediation on August 8, 2016 and returned to the Investigation Unit on August 29, 2016.

Video Footage

§ 87(2)(b) and § 87(2)(b) provided two cell phone videos of the vehicle stop on July 19, 2016 and a second interaction with the subject officers on July 21, 2016. The investigation also obtained footage from TARU surveillance cameras which capture the vehicle stop (See Board Review 02). The TARU footage however, does not capture audio and is too far from the incident location to capture the discourteous action allegation.



201606271 20160728 1523 DM.MOV

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED]
- No notice of claim has been filed with the NYC Comptroller's office as of November 3, 2016 regarding this incident.
- § 87(2)(b) [REDACTED]

- § 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint.
- PO Carrieri has been a member of service for thirteen years. He has six previous CCRB complaints against him with a total of seventeen allegations. PO Carrieri has one prior substantiated case. In CCRB# 201501713, an allegation of a vehicle search was substantiated against him with the Board recommending Command Discipline A. The NYPD concurred with the Board's recommendation. He has two open cases with a total of nine allegations against him. PO Carrieri's prior CCRB history reveals no pattern applicable to this complaint.
- Sgt. Tran has been a member of service for fifteen years. He has four previous CCRB complaints against him with a total of fourteen allegations. He has no prior substantiated complaints, though two previous cases with a total of eight allegations are still open. There is no discernable pattern in Sgt. Tran's CCRB history applicable to the current complaint.

Findings and Recommendations

Explanation of Subject Officer Identification: The vehicle stop, discussed below in Allegation A, is being pleaded against PO Carrieri as PO Carrieri and PO Jones both acknowledged that it was PO Carrieri who observed § 87(2)(b)'s traffic infraction and made the decision to pull him over.

Allegation A – Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant.

It is undisputed by all accounts and evidence that PO Carrieri stopped § 87(2)(b) § 87(2)(b) on § 87(2)(b) and § 87(2)(b) in Queens, ran his license and registration and released him without issuing a summons on July 19, 2016. However, it is disputed, whether the alleged traffic infraction occurred.

§ 87(2)(b) § 87(2)(b) stated he was driving alone in his vehicle towards § 87(2)(b) and noticed an unmarked sedan behind him (See Board Review 01). This followed up as he turned on § 87(2)(b) and then again made a right turn on § 87(2)(b). § 87(2)(b) § 87(2)(b) stated that he signaled at every turn he made. PO Jones told him that he had failed to signal.

PO Carrieri and PO Jones were consistent in stating that PO Carrieri observed § 87(2)(b) § 87(2)(b) make a left turn and failed to signal (See Board Review 06 and 07). PO Carrieri specified that the traffic infraction occurred as the officers were driving up § 87(2)(b) § 87(2)(b) made a left from § 87(2)(b) § 87(2)(b) onto § 87(2)(b) § 87(2)(b), towards § 87(2)(b) § 87(2)(b). PO Carrieri, the operator of the unmarked sedan, followed § 87(2)(b) § 87(2)(b) for several blocks before pulling him over on § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) was not issued a summons at PO Carrieri's discretion. Their memo books also document the stop for failure to use signal light (see Board Review 11, 12).

Video footage obtained from a TARU surveillance camera on § 87(2)(b) and § 87(2)(b) does not capture the traffic violation as it allegedly occurred on § 87(2)(b) and § 87(2)(b), several blocks away (Board Review 02).

§ 87(2)(b), § 87(2)(g)

Allegation B- Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri spoke discourteously to § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) § 87(2)(b) stated that he was pulled over and asked for identification by PO Carrieri, which he provided (See Board Review 01). PO Carrieri went back to his unmarked sedan in order to run § 87(2)(b) § 87(2)(b)'s license and registration. PO Jones remained by § 87(2)(b) § 87(2)(b)'s vehicle on the passenger side, speaking with him. When PO Carrieri returned to § 87(2)(b) § 87(2)(b)'s vehicle, he asked if § 87(2)(b) § 87(2)(b) was giving PO Jones a hard time. § 87(2)(b)

PO Carrieri stated that when he pulled over § 87(2)(b) § 87(2)(b) he asked if § 87(2)(b) § 87(2)(b) had prior arrests (See Board Review 06). § 87(2)(b) § 87(2)(b) stated he had no arrests. § 87(2)(b) § 87(2)(b) then provided his license and registration and PO Carrieri went back to his unmarked sedan and ran § 87(2)(b) § 87(2)(b)'s information where he learned of § 87(2)(b) § 87(2)(b)'s § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Video footage of the stop, recorded by § 87(2)(b) § 87(2)(b) on his cell phone only captured audio of the incident as § 87(2)(b) § 87(2)(b) had his phone facing downwards on his passenger seat. (see Board Review, Video Footage). § 87(2)(b) § 87(2)(b) and PO Jones can be heard discussing the alleged traffic infraction and a third voice, identified by all parties as that of PO Carrieri then stated “is this guy still giving you

a problem? § 87(2)(b)

§ 87(2)(b) answered yes, and PO Carrieri replied, “That’s good, nice, you’re disgusting man.” In the foreground, § 87(2)(b) argues with PO Jones, stated that he was recording the incident and displayed his phone. PO Carrieri can be heard in the background, stating loudly “Upstanding citizen we got here! Keep on doin’ it!” § 87(2)(b)

According to Patrol Guide Procedure 203-09, members of service are required to be courteous and respectful at all times (see Board Review 10).

§ 87(2)(b), § 87(2)(g)

Allegation C- Discourtesy: At § 87(2)(b) and § 87(2)(b) in Queens, Police Officer Michael Carrieri acted discourteously to § 87(2)(b) § 87(2)(b)

It is undisputed that § 87(2)(b) provided his license and registration to PO Carrieri during the stop. After running his information, PO Carrieri returned § 87(2)(b) § 87(2)(b) ’s paperwork. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) alleged that when PO Carrieri returned with his license and registration, PO Carrieri berated him over his § 87(2)(b) (as discussed above in **Allegation B**) (See Board Review 01). § 87(2)(b) § 87(2)(b) put his hand out of his open window in order to take back his license and registration, however PO Carrieri instead tossed his license and registration past § 87(2)(b) § 87(2)(b) into his back seat, stating “Have a good day.”

PO Carrieri stated that he walked back to § 87(2)(b) § 87(2)(b) ’s vehicle after running his license and registration and returned his paperwork (Board Review 06). However, PO Carrieri stated that he could not recall how he returned § 87(2)(b) § 87(2)(b) ’s paperwork, and could not recall whether or not he threw it into the vehicle. PO Carrieri also stated that he could not recall if he handed the license back to § 87(2)(b) § 87(2)(b) or if § 87(2)(b) § 87(2)(b) refused to take back the license or dropped it.

PO Jones stated that PO Carrieri gave § 87(2)(b) § 87(2)(b) his license and registration, however, he could not recall whether or not PO Carrieri handed him his license and registration or threw it into the vehicle (See Board Review 07). PO Jones did not recall § 87(2)(b) § 87(2)(b) refusing to take his paperwork back, or dropping it.

Video footage obtained from the TARU camera on § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) is too far away to capture the allegation. § 87(2)(b) § 87(2)(b) ’s cell phone video captured the audio and corresponds with the sequence of events described by § 87(2)(b) § 87(2)(b) with a muffled sound appearing just prior to PO Carrieri stating “Have a nice day.” § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

According to Patrol Guide Procedure 203-09, members of service are required to be courteous and respectful at all times (see Board Review 10).

§ 87(2)(b), § 87(2)(g)

Allegation D- Abuse of Authority: At the 110th Precinct Stationhouse, Sergeant Minh Tran did not process § 87(2)(b) § 87(2)(b)'s complaint regarding an officer.

It is undisputed by all accounts that § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) went to the 110th Precinct after § 87(2)(b) § 87(2)(b)'s vehicle stop in order to speak to a supervisor about the incident. They spoke to Sergeant Francis Margraf and then spoke privately in the 124 Room to Anti-Crime supervisor, Sergeant Minh Tran. Sgt. Tran watched the cell phone recording of the stop. As § 87(2)(b) § 87(2)(b) is primarily a Spanish speaker, § 87(2)(b) § 87(2)(b) mostly spoke for him. § 87(2)(b) § 87(2)(b) asked for the names and shield numbers of the officers involved, which Sgt. Tran did not provide. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) left without filing a complaint after speaking to Sgt. Tran for approximately half an hour.

§ 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) stated they went to the 110th Precinct and spoke to Sgt. Margraf at the front desk who asked them where the incident happened in order to establish whether the officers involved were 110th Precinct officers (see Board Review 01, 03, and 04). Sgt. Margraf asked them to speak to Sgt. Tran. Sgt. Tran spoke to § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) privately in another room. When presented with the cell phone video recording, Sgt. Tran allegedly stated that the officers did nothing wrong and stated that § 87(2)(b) § 87(2)(b) was not giving him enough information to file a complaint. Sgt. Tran allegedly stated that they could not file a complaint if they did not know who they were filing a complaint against. After approximately twenty five to thirty minutes, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) left the room. They attempted to go back to the front desk to speak to Sgt. Margraf but Sgt. Tran told Sgt. Margraf not to speak to them and that he was "In charge of the investigation." § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) left.

Sgt. Tran stated that he was informed by Sgt. Margraf of two civilians, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) in the waiting area who were complaining about a vehicle stop (see Board Review 05). Sgt. Margraf asked if Sgt. Tran would speak to them as the officers involved may have been Anti-Crime officers. § 87(2)(b) § 87(2)(b) asked to speak in private so Sgt. Tran moved with § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) to the 124 Room. Sgt. Tran attempted to speak directly to § 87(2)(b) § 87(2)(b) however § 87(2)(b) § 87(2)(b) interjected and would not let § 87(2)(b) § 87(2)(b) speak. § 87(2)(b) § 87(2)(b) was irate and yelling. She wanted to know the names

and shield numbers of the officers involved in the stop. Sgt. Tran did not provide this information. When presented with the video recording of the incident, Sgt. Tran stated that he heard no foul language or anything improper and § 87(2)(b) continued to yell and rant, stating she was not happy with how he was conducting the investigation and wanted to speak to someone else. Sgt. Tran listened and “Let her vent.” § 87(2)(b) abruptly got up with § 87(2)(b) and left. At no time did § 87(2)(b) or § 87(2)(b) tell Sgt. Tran that they wanted to file a complaint. Sgt. Tran called out after them, that if they wished to file a complaint they could come back any time or fill out a form online.

Sgt. Margraf stated that § 87(2)(b) and § 87(2)(b) appeared at the stationhouse, upset regarding a vehicle stop in the confines of the 115th Precinct (see Board Review 08). Sgt. Margraf briefly discussed the incident in order to determine if the officers involved were 110th Precinct officers despite the location. He had the civilians wait in the 124 Room while he went to the muster room to speak to Sgt. Tran and determined the officer who initiated the stop was PO Carrieri. Sgt. Margraf asked Sgt. Tran to speak to the civilians. Sgt. Tran went to the 124 Room and spoke to § 87(2)(b) and § 87(2)(b) for approximately half an hour before they left. Sgt. Margraf was not present for this conversation but remained by the front desk. Sgt. Margraf stated that at no point in his presence did § 87(2)(b) or § 87(2)(b) state that they wished to file a complaint, nor did he inform Sgt. Tran that § 87(2)(b) and § 87(2)(b) were looking to file a complaint. Sgt. Margraf stated that he did not hear Sgt. Tran make any comments telling § 87(2)(b) and § 87(2)(b) not to speak to him or any other supervisor as they left.

§ 87(2)(b), § 87(2)(g)

Squad:

| | | | |
|---------------|-----------------|-------|-------|
| Investigator: | _____ | _____ | _____ |
| | Signature | Print | Date |
| Squad Leader: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |
| Reviewer: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |